

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MICHAEL WILLIAMS	§	
VS.	§	CIVIL ACTION NO. 1:15cv376
DIRECTOR, TDCJ-CID	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Michael Williams, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable orders of this court.

The respondent has filed a motion asserting that the petition should be dismissed as barred by the applicable statute of limitations. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be denied with respect to petitioner's first ground for review and granted with respect to his second, third and fourth grounds for review.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. The respondent filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion that the objections are without merit. In his first ground for review, petitioner asserts he has been improperly denied work time credits for days spent working in the Bastrop County Jail. He would not have been aware that he was being denied such credits until July 23, 2015, when the Texas Department of Criminal Justice denied his time dispute resolution proceeding. As a result, the Magistrate Judge correctly concluded the period of limitations regarding petitioner's first ground for review did not begin to run until July 23, 2015, and had not expired with the current petition was filed.

ORDER

Accordingly, the respondent's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The respondent's motion to dismiss (doc. no. 8) is **DENIED** with respect to petitioner's first ground for review and **GRANTED** with respect to the second, third and fourth grounds for review. In light of this ruling, petitioner's motion for equitable tolling (doc. no. 10) is **DENIED**. The respondent shall file a response addressing the merits of petitioner's first ground for review within 30 days of the date set forth below.

**SIGNED** this the **19** day of **September, 2016**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge